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Filed

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 JACKSON YU,
16 a/k/a Wen Hsin Jackson Yu,
17 WILLIAM LIAO,
18 a/k/a Chien C. Liao,
19 ATRA TECHNOLOGY CORP., and
20 A.G. DATA TEC., INC.,
21 a/k/a AG Data Tech.,

22 Defendants.

CR 02 20100

VIOLATIONS: 18 U.S.C. § 371 –
Conspiracy to Receive, Possess, and
Conceal Stolen Property; 18 U.S.C. § 371 –
Conspiracy to Structure Transactions to
Evade a Currency Reporting Requirement;
31 U.S.C. § 5324(a)(3) – Structuring
Transactions to Evade a Currency Reporting
Requirement; 31 U.S.C. 5317(c)(1) –
Criminal Forfeiture

SAN JOSE VENUE

JF

23 INDICTMENT

24 The Grand Jury charges:

25 BACKGROUND

26 1. From on or about April 25, 1995, through on or about December 17, 1999, defendant
27 Atra Technology Corporation was a California corporation with a listed address of 372 South Abbott
28 Avenue, Milpitas, California.

2. From on or about April 25, 1995, through on or about December 17, 1999, defendants
Jackson Yu and William Liao acted as directors and officers of defendant Atra Technology

INDICTMENT

1 Corporation.

2 3. From on or about October 18, 1999, through on or about July 24, 2002, defendant
3 A.G. Data Tec., Inc., was a California corporation with a listed address of 372 South Abbott Avenue,
4 Milpitas, California.

5
6 COUNT ONE: (18 U.S.C. § 371 -- Conspiracy to Receive, Possess, and Conceal Stolen Property)

7 4. Paragraphs One through Three are realleged and incorporated in Count One.

8 5. On or about dates unknown, but beginning no later than August 8, 2000, and
9 continuing until July 24, 2002, in Santa Clara County, in the Northern District of California, and
10 elsewhere, the defendants

11 JACKSON YU,
12 a/k/a Wen Hsin Jackson Yu,
13 WILLIAM LIAO
14 a/k/a Chien C. Liao,
15 ATRA TECHNOLOGY CORP., and
16 A.G. DATA TEC., INC.,
17 a/k/a AG Data Tech.,

18 and other persons known and unknown to the grand jury, did knowingly and intentionally conspire
19 to receive, possess, conceal, store, sell, and dispose of stolen property in violation of Title 18, United
20 States Code, Section 2315, and buy, receive, and possess goods stolen from interstate shipments in
21 violation of Title 18, United States Code, Section 659.

22 METHODS AND MEANS OF THE CONSPIRACY

23 6. It was part of the conspiracy that defendants Jackson Yu and William Liao would and
24 did negotiate with others for the purchase of goods, wares, and merchandise, including computers,
25 computer software, and computer components, that they believed had been stolen from interstate
26 shipments and/or stolen and shipped across a State boundary.

27 7. It was further part of the conspiracy that the defendants would and did pay for, and
28 accept delivery of the goods, wares, and merchandise that they believed had been stolen from
interstate shipments and/or stolen and shipped across a state boundary.

1 8. It was further part of the conspiracy that the defendants would and did pay, typically
2 in cash, for the goods, wares and merchandise that they believed had been stolen.

3 9. It was further part of the conspiracy that defendants Jackson Yu and William Liao
4 would and did avoid detection by law enforcement by changing the name of their business and
5 conducting transactions with financial institutions in amounts less than \$10,000.

6 OVERT ACTS

7 10. As part of the conspiracy, and to further the objects thereof, the defendants
8 committed the following overt acts in the Northern District of California:

9 a. On or about September 22, 2000, in Milpitas, California, defendants Jackson
10 Yu and William Liao met with two individuals to accept delivery of, and make payment for hard disk
11 drives and computer central processing units.

12 b. On or about October 20, 2000, in Milpitas, California, defendants Jackson Yu
13 and William Liao unloaded five Hewlett Packard printers and paid an individual \$250 for the five
14 printers.

15 c. On or about December 7, 2000, in Milpitas, California, defendant Jackson Yu
16 met with an individual to purchase 300 units of Microsoft Office 2000 Professional and 281 Intel
17 processors.

18 d. On or about December 7, 2000, in Milpitas, California, defendant Jackson Yu
19 withdrew \$8500 from a Bank of America account in order to complete a total payment of \$54,500
20 for 300 units of Microsoft Office 2000 Professional and 281 Intel processors.

21 e. On or about February 8, 2001, in Milpitas, California, defendant Jackson Yu
22 met with an individual to accept delivery and pay for 10 units of Microsoft Windows 98.

23 f. On or about March 22, 2001, in Milpitas, California, defendants Jackson Yu
24 and William Liao met with an individual to accept delivery and pay for 20 units of Microsoft Office
25 2000 Professional, 10 units Windows 98, and 41 Intel central processing units.

26 g. On or about March 22, 2001, in Milpitas, California, defendants Jackson Yu
27 and William Liao paid an individual for units of Microsoft Office 2000 Professional, Microsoft
28 Windows 98, and Intel central processing units.

1 h. On or about June 28, 2001, in Milpitas, California, defendants Jackson Yu
2 accepted delivery of 30 units of Microsoft Windows 98 and a Gateway laptop computer.

3 i. On or about August 13, 2001, in Milpitas, California, defendant Jackson Yu
4 and William Liao accepted delivery of sample Sun Microsystems computer equipment.

5 j. On or about October 23, 2001, in Milpitas, California, defendants Jackson Yu
6 and William Liao paid an individual \$11,865 for 120 units of Microsoft Windows 98 Second Edition
7 OEM, 30 units of Microsoft Office Professional 2000, 37 units of AMD central processors, 40 units
8 of Adobe Illustrator, and previously provided Sun computer equipment.

9 All in violation of Title 18, United States Code, Section 371.

10
11 COUNT TWO: (18 U.S.C. § 371 -- Conspiracy to Structure Transactions to Evade a Reporting
12 Requirement)

13 11. Paragraphs One through Three are realleged and incorporated in Count Two.

14 12. On or about dates unknown, but beginning no later than January 11, 1999, and
15 continuing until July 24, 2002, both dates being approximate and inclusive, in Santa Clara County,
16 in the Northern District of California, and elsewhere, the defendants

17 JACKSON YU,
a/k/a Wen Hsin Jackson Yu,
18 WILLIAM LIAO,
a/k/a Chien C. Liao
19 ATRA TECHNOLOGY CORP., and
A.G. DATATEK, INC.,
20 a/k/a AG Data Tech.,
a/k/a AG Data Tec, Inc.,

21 and other persons known and unknown to the grand jury, did knowingly and intentionally conspire
22 to structure, and attempt to structure transactions with a domestic financial institutions, for the
23 purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and
24 the regulations promulgated thereunder, and did so while violating another law of the United States,
25 and as part of a pattern of illegal activity involving more than \$100,000 in a 12-month period in
26 violation of Title 31, United States Code, Section 5324(a)(3).

METHODS AND MEANS OF THE CONSPIRACY

13. It was part of the conspiracy that defendants Jackson Yu and William Liao each would and did control multiple bank accounts during the course of the conspiracy.

14. It was further part of the conspiracy that defendants Atra Technology Corporation, and A.G. Data Tec., Inc., each would and did control at least one bank account throughout the conspiracy.

15. It was further part of the conspiracy that the defendants would and did use the various bank accounts that they controlled for the purpose of depositing and withdrawing funds, including funds used by the defendants for the purchase of merchandise believed by them to be stolen property.

16. It was further part of the conspiracy that defendants Jackson Yu and William Liao each would and did conduct multiple financial transactions in dollar amounts less than \$10,000 to avoid the filing of a currency transaction reports.

17. It was further part of the conspiracy that the defendants collectively would and did structure and attempt to structure more than \$2,000,000 during the course of the conspiracy.

OVERT ACTS

18. As part of the conspiracy, and to further the objects thereof, the defendants committed the following overt acts in the Northern District of California:

a. On or about January 27, 1999, in Milpitas, California, defendant Jackson Yu cashed a check numbered 1246 and made out to "cash" in the amount of \$6920.

b. On or about January 28, 1999, in Milpitas, California, defendant Jackson Yu cashed a check numbered 1247 and made out to "cash" in the amount of \$7,350.

c. On or about December 15, 1999, in Milpitas, California, defendant Jackson Yu cashed a check numbered 98617 and made out to "cash" in the amount of \$7,200.

d. On or about December 15, 1999, in Milpitas, California, defendant Jackson Yu cashed a check numbered 5007 and made out to "cash" in the amount of \$8,800.

e. On or about May 30, 2000, in Milpitas, California, defendant Jackson Yu cashed a check numbered 5251 and made out to "cash" in the amount of \$9165.

f. On or about May 30, 2000, in Santa Clara, California, defendant William Liao withdrew "cash" from a bank account in the amount of \$9200.

1 g. On or about May 31, 2000, in Milpitas California, defendant Jackson Yu
2 withdrew "cash" from a bank account in the amount of \$9200.

3 h. On or about May 31, 2000, in Milpitas, California, defendant William Liao
4 cashed a check numbered 5253 and made out to "cash" in the amount of ~~\$9200~~ 8330. JH WSA
BAC

5 i. On or about June 9, 2000, defendant Jackson Yu cashed a check numbered
6 269 and made out to "cash" in the amount of \$8900.

7 j. On or about June 9, 2000, in Milpitas, California, defendant William Liao
8 cashed a check numbered 5272 and made out to "cash" in the amount of \$8700.

9 k. On or about August 10, 2000, in Fremont, California, defendant Jackson Yu
10 withdrew cash from a bank account in the amount of \$9400.

11 l. On or about August 10, 2000, in Santa Clara, California, defendant William
12 Liao withdrew cash from a bank account in the amount of \$9400.

13 m. On or about August 22, 2000, in Santa Clara, California, defendant William
14 Liao withdrew cash from a bank account in the amount of \$9200.

15 n. On or about August 22, 2000, in Milpitas, California, defendant William Liao
16 withdrew cash from a bank account in the amount of \$9400.

17 o. On or about August 22, 2000, in Milpitas, California, defendant Jackson Yu
18 cashed a check numbered 5386 and made out to "cash" in the amount of \$8800.

19 p. On or about August 22, 2000, in Milpitas, California, defendant Jackson Yu
20 withdrew cash from a bank account in the amount of \$9000.

21 q. On or about December 7, 2000, in Milpitas, California, defendant Jackson Yu
22 met with another individual from whom defendant Jackson Yu purchased property that Jackson Yu
23 believed to be stolen, and instructed the individual to conduct transactions at banks in amounts less
24 than \$10,000.

25 r. On or about October 9, 2001, in Milpitas, California, defendant Jackson Yu
26 withdrew cash from a bank account in the amount of \$6000.

27 s. On or about October 9, 2001, in Milpitas, California, defendant Jackson Yu
28

1 cashed a check numbered 5845 and made out to "cash" in the amount of \$9500.

2 All in violation of Title 18, United States Code, Section 371.

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4 COUNTS THREE THROUGH EIGHT: (31 U.S.C. § 5324(a)(3) - Structuring Transactions to
5 Evade a Reporting Requirement)

6 19. On or about the dates set forth below, in the Northern District of California, the
7 defendant

8 JACKSON YU,
a/k/a Wen Hsin Jackson Yu,

9 did knowingly and willfully and for the purpose of evading the reporting requirements of Title 31,
10 United States Code, Section 5313(a), and the regulations promulgated thereunder, structure, and
11 attempt to structure the following transactions with a domestic financial institution, and did so while
12 violating another law of the United States, and as part of a pattern of illegal activity involving more
13 than \$100,000 in a 12-month period:

<u>Count</u>	<u>Date</u>	<u>Amount</u>	<u>Description</u>
THREE	9/24/1999	\$8900	Check written to a blank payee and drawn on Bank of America account 00984-09148
FOUR	9/24/1999	\$2000	Cash withdrawn from Bank of America account 00989-01598
FIVE	11/13/1999	\$9200	Check written to cash and drawn on Bank of America account 00984-09148
SIX	11/13/1999	\$4000	Check written to cash and drawn on Bank of America account 02790-18992
SEVEN	10/9/2001	\$6000	Cash withdrawn from Bank of America account 00989-01598
EIGHT	10/9/2001	\$9500	Check written to cash and drawn on Bank of America account 00986-24157

COUNTS NINE THROUGH TWELVE: (31 U.S.C. § 5324(a)(3) - Structuring Transactions to Evade a Reporting Requirement)

20. On or about the dates set forth below, in the Northern District of California, the defendant

WILLIAM LIAO,
a/k/a Chien C. Liao,

did knowingly and willfully and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a), and the regulations promulgated thereunder, structure, and attempt to structure the following transactions with a domestic financial institution, and did so while violating another law of the United States, and as part of a pattern of illegal activity involving more than \$100,000 in a 12-month period:

<u>Count</u>	<u>Date</u>	<u>Amount</u>	<u>Description</u>
NINE	8/22/2000	\$9200	Cash withdrawn from Bank of America account 00985-09756
TEN	8/22/2000	\$9400	Cash withdrawn from Wells Fargo account 6105-713168
ELEVEN	9/6/2000	\$9400	Cash withdrawn from Bank of America account 00985-09756
TWELVE	9/7/2000	\$6500	Cash withdrawn from Bank of America account 00985-09756

COUNT THIRTEEN: (31 U.S.C. § 5317(c)(1) - Criminal Forfeiture)

21. Upon conviction of the offense alleged in Count Two of this Indictment, the defendants

JACKSON YU,
a/k/a Wen Hsin Jackson Yu,
WILLIAM LIAO,
a/k/a Chien C. Liao
ATRA TECHNOLOGY CORP., and
A.G. DATATEK, INC.,
a/k/a AG Data Tech.,
a/k/a AG Data Tec, Inc.,

shall forfeit to the United States pursuant to 31 U.S.C. § 5317(c)(1), all property, real and personal, involved in the offense, and any property traceable thereto, including but not limited to

1 a sum of money equal to \$2,024,215.06 in United States currency, representing the amount of
2 money involved in the offense, conspiracy to violate Title 31, United States Code, Section
3 5324(a)(3), in violation of Title 18, United States Code, Section 371, for which the defendants
4 are jointly and severally liable.

5 22. If any of the above-described forfeitable property, as a result of any act or
6 omission of the defendants:

- 7 A. cannot be located upon the exercise of due diligence;
- 8 B. has been transferred or sold to, or deposited with, a third party;
- 9 C. has been placed beyond the jurisdiction of the court;
- 10 D. has been substantially diminished in value; or
- 11 E. has been commingled with other property which cannot be divided without
12 difficulty;

13 it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) as incorporated by 31 U.S.C.
14 § 5317(c)(1)(B), to seek forfeiture of any other property of said defendant(s) up to the value of
15 \$2,024,215.06, including but not limited to the following:

16 (1) Real Property

17 (a) All that lot or parcel of land, together with its buildings,
18 appurtenances, improvements, fixtures, attachments and easements, located at 4741 Castlewood
19 Drive, San Jose, California.

20 (b) All that lot or parcel of land, together with its buildings,
21 appurtenances, improvements, fixtures, attachments and easements, located at 44758 Winding
22 Lane, Fremont, California.

23 (2) Bank Accounts

24 (a) All United States currency funds or other monetary
25 instruments credited to Bank of America account number 00984-09148 in the name of Atra
26 Tech.

27 (b) All United States currency funds or other monetary
28 instruments credited to Bank of America account number 05758-06378 in the name of Chien C.
Liao.

(c) All United States currency funds or other monetary instruments credited to Bank of America account number 00985-09756 in the name of Chien C. Liao.

(d) All United States currency funds or other monetary instruments credited to Bank of America account number 02790-18992 in the name of Wen H. Jackson Yu and Anita Lam.

(e) All United States currency funds or other monetary instruments credited to Bank of America account number 00989-01598 in the name of Wen H. Jackson Yu and Anita Lam.

(f) All United States currency funds or other monetary instruments credited to Bank of America account number 00986-24157 in the name of A.G. Data Tec., Inc.

(g) All United States currency funds or other monetary instruments credited to Wells Fargo account number 6105-713168 in the name of Chun Ma and over which defendant William Liao holds power of attorney.

(h) All United States currency funds or other monetary instruments credited to Wells Fargo account number 0369-41736 in the name of Chun Ma and over which defendant William Liao holds power of attorney.

COUNT FOURTEEN: (31 U.S.C. § 5317(c)(1) – Criminal Forfeiture)

23. Upon conviction of the offenses alleged in Counts Three through Eight of this Indictment, the defendant

JACKSON YU,
a/k/a Wen Hsin Jackson Yu,

shall forfeit to the United States pursuant to 31 U.S.C. § 5317(c)(1), all property, real and personal, involved in the offense, and any property traceable thereto, including but not limited to a sum of money equal to \$40,600 in United States currency, representing the amount of money involved in the offenses, structuring transactions to evade a currency transaction reporting requirement in violation of Title 31, United States Code, Section 5324(a)(3), and conspiracy to

INDICTMENT

do the same in violation of Title 18, United States Code, Section 371.

24. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

A. cannot be located upon the exercise of due diligence;

B. has been transferred or sold to, or deposited with, a third party;

C. has been placed beyond the jurisdiction of the court;

D. has been substantially diminished in value; or

E. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) as incorporated by 31 U.S.C. § 5317(c)(1)(B), to seek forfeiture of any other property of said defendant(s) up to the value of \$40,600 in United States currency, including but not limited to the following:

(1) Real Property

(a) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 44758 Winding Lane, Fremont, California.

(2) Bank Accounts

(a) All United States currency funds or other monetary instruments credited to Bank of America account number 00984-09148 in the name of Atra Tech.

(b) All United States currency funds or other monetary instruments credited to Bank of America account number 02790-18992 in the name of Wen H. Jackson Yu and Anita Lam.

(c) All United States currency funds or other monetary instruments credited to Bank of America account number 00989-01598 in the name of Wen H. Jackson Yu and Anita Lam.

(d) All United States currency funds or other monetary instruments credited to Bank of America account number 00986-24157 in the name of A.G. Data Tec., Inc.

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2 COUNT FIFTEEN: (31 U.S.C. § 5317(c)(1) – Criminal Forfeiture)

3 25. Upon conviction of the offenses alleged in Counts Nine through Twelve of this
4 Indictment, the defendant

5 WILLIAM LIAO,
6 a/k/a Chien C. Liao

7 shall forfeit to the United States pursuant to 31 U.S.C. § 5317(c)(1), all property, real and
8 personal, involved in the offense, and any property traceable thereto, including but not limited to
9 a sum of money equal to \$34,500 in United States currency, representing the amount of money
10 involved in the offenses, structuring transactions to evade a currency transaction reporting
11 requirement in violation of Title 31, United States Code, Section 5324(a)(3).

12 26. If any of the above-described forfeitable property, as a result of any act or
13 omission of the defendant:

- 14 A. cannot be located upon the exercise of due diligence;
15 B. has been transferred or sold to, or deposited with, a third party;
16 C. has been placed beyond the jurisdiction of the court;
17 D. has been substantially diminished in value; or
18 E. has been commingled with other property which cannot be divided without
19 difficulty;

20 it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) as incorporated by 31 U.S.C.
21 § 5317(c)(1)(B), to seek forfeiture of any other property of said defendant(s) up to the value of
22 \$34,500 in United States currency, including but not limited to the following:

23 (1) Real Property

24 (a) All that lot or parcel of land, together with its buildings,
25 appurtenances, improvements, fixtures, attachments and easements, located at 4741 Castlewood
26 Drive, San Jose, California.

27 (2) Bank Accounts

28 (a) All United States currency funds or other monetary
instruments credited to Bank of America account number 00984-09148 in the name of Atra
Tech.

INDICTMENT

(b) All United States currency funds or other monetary instruments credited to Bank of America account number 05758-06378 in the name of Chien C. Liao.

(c) All United States currency funds or other monetary instruments credited to Bank of America account number 00985-09756 in the name of Chien C. Liao.

(d) All United States currency funds or other monetary instruments credited to Bank of America account number 00986-24157 in the name of A.G. Data Tec., Inc.

(e) All United States currency funds or other monetary instruments credited to Wells Fargo account number 6105-713168 in the name of Chun Ma and over which defendant William Liao holds power of attorney.


(f) All United States currency funds or other monetary instruments credited to Wells Fargo account number 0369-41736 in the name of Chun Ma and over which defendant William Liao holds power of attorney.

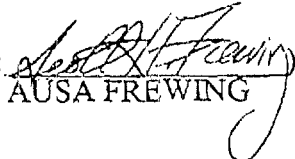
DATED: 7/24/2002

A TRUE BILL.


FOREPERSON

KEVIN V. RYAN
United States Attorney


ELIZABETH DE LA VEGA
Chief, San Jose Division

(Approved as to form: )

AUSA FREWING